

[10191/3675]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Stephan SIMON et al.
U.S. Serial No. : 10/533,778
International Application No. : PCT/DE03/01409
International Filing Date : May 2, 2003

For : METHOD FOR DETERMINING AN
ACCIDENT RISK OF A FIRST OBJECT
WITH AT LEAST ONE SECOND OBJECT

Examiner : To Be Assigned
Art Unit : To Be Assigned

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RECEIVED

12 JUL 2005

Legal Staff
International Division**PETITION TO CORRECT THE FILING DATE AND
DATE-IN DISCREPANCY UNDER 37 C.F.R. § 1.10(c)**

S I R:

Pursuant to 37 C.F.R. § 1.10(c), Applicants hereby petition to correct the filing date for the above-identified national phase application from "03 May 2005" to --04 May 2005-- in view of the following facts:

The above-identified national phase was filed in the United States Patent and Trademark Office ("USPTO") by "Express Mail Post Office to Addressee" service on 04 May 2005 (Label No. EV 320 194 842 US). In reviewing the Express Mail Label recently received from the U.S. Postal Service, Applicants noted that although the hand-written "Date-In" portion of the label indicates an incorrect 03 May 2005 date, the reverse side of the label is stamped correctly --04 May 2005--. Apparently, the postal clerk erroneously entered the 03 May 2005 as the date of deposit. A copy of the Express Mail Label, showing both sides of the label, is enclosed (see Item A).

Express Mail No. EV 321888783 US

The Return Receipt Postcard was prepared by docket personnel and dated by hand on 04 May 2005. However, the Return Receipt Postcard bearing the USPTO acknowledgement stamp with the incorrect filing date of 03 May 2005 was recently received by the undersigned (see enclosed (Item B) photocopy of postcard). Applicants believe that the USPTO based the filing date solely on the information contained on the face of the Express Mail Label, but did not notice the discrepancy between the hand-written information on the face of the label and the stamped date on the back of the label.

In addition, a copy of the signed Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371, indicating the Express Mail Label No. EV 320 194 842 US, dated 04 May 2005, is also enclosed herewith (see Item C).

In view of the above, it is respectfully submitted that the filing date of 03 May 2005, as shown on the date stamped postcard received from the USPTO, is incorrect. It is therefore respectfully requested that the filing date be corrected on all USPTO records to reflect the correct Filing Date of 04 May 2005.

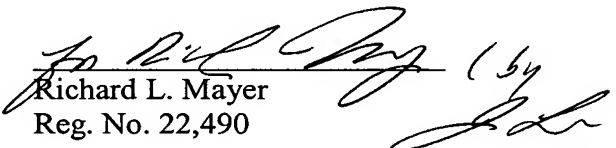
Applicants do not believe any fees are due for submitting this Petition to Correct the Filing Date. However, if any fees are due, the Commissioner is authorized to charge such fees to Kenyon & Kenyon, deposit account number 11-0600.

Respectfully submitted,

KENYON & KENYON

Dated: 7/7/05

By:


Richard L. Mayer
Reg. No. 22,490

One Broadway
New York, New York 10004
(212) 425-7200 telephone
(212) 425-5288 facsimile

Customer No. 26646

ITEM A



EV 320194842 US

**EXPRESS
MAIL**

UNITED STATES POSTAL SERVICE®

Customer Copy
Label 11-F, June 2002**Post Office To Addressee****ORIGIN (POSTAL USE ONLY)**

PO ZIP Code 10001	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/> Third	Flat Rate Envelope <input type="checkbox"/>
Date In 5/3/05	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 7.78
Time In 3:00 PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee <input type="checkbox"/>
Weight 1 lbs 1 oz	Int'l Alpha Country Code	COD Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clearinghouse	Insurance Fee
Total Postage & Fees \$ 7.78		

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		

☐ **WAIVER OF SIGNATURE (Domestic Only)** Additional merchandise insurance is void if waiver of signature is requested. (If delivery employee judges that article can be left in secure location and authorize that delivery employee's signature constitutes valid proof of delivery.)

☐ **NO DELIVERY** ☐ Weekend ☐ Holiday

Customer Signature

CUSTOMER USE ONLY**METHOD OF PAYMENT:**

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or
Postal Service Acct. No.**FROM: (PLEASE PRINT)**PHONE **(212) 425-7200****KENYON & KENYON
1 BROADWAY 7LBBY
NEW YORK****NY 10004-1007****[101913675]****TO: (PLEASE PRINT)**

PHONE

**MAIL STOP. PCT
COMMISSIONER FOR PATENTS
PO BOX 450
ALEXANDRIA****VA 22313-1450****PRESS HARD.**

You are making 3 copies.

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com**BEST AVAILABLE COPY**

ITEM B

EV320194842US 1019113675 514105 gam

10/533778

The stamp of the Patent Office hereon, may be taken as

acknowledging the receipt, on the date stamped, of

~~Nahmal Phase~~
PATENT APPLICATION of ~~Olmows~~ Stephan et al.

Title Method For Determining An Accident Risk
Of A First Object with at least One
Second Object

Specifications 21 pgs

Assignment yes

No. of claims 17

Recording fee \$ 40.00

No. of drawings 4

Authorization to charge Dep. Acct. 110600

Declaration signed

Priority Document _____

Filing fee \$ 900.00

Preliminary Amendment yes

Non-Publications request _____

Small Entity _____

3 title Specification pgs 1-19
marked up pgs 1-19 in Internal Search Report
IDS in PTO Form 14619 in PCT Antrag

ITEM C

91/3675

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

PCT/DE03/01409

INTERNATIONAL FILING DATE

(02.05.03)
02 May 2003

PRIORITY DATE CLAIMED:

(07.05.02) (11.12.02)

07 May 2002 11 Dec. 2002

TITLE OF INVENTION

**METHOD FOR DETERMINING AN ACCIDENT RISK OF A FIRST OBJECT WITH AT LEAST
ONE SECOND OBJECT**

APPLICANT(S) FOR DO/EO/US

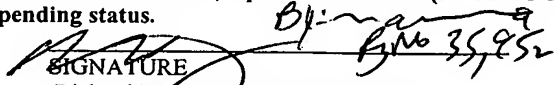
SIMON, Stephan; IGNACZAK, Brad; and LYONS, Robert

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: International Search Report (translated) and PCT/RO/101.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/DE03/01409		ATTORNEY'S DOCKET NUMBER 10191/30	
The following fees are submitted:					
21 <input checked="" type="checkbox"/> Basic National Fee		\$ 300.00		\$	
22. <input type="checkbox"/> Examination Fee – If International preliminary exam report prepared by USPTO and all claims satisfy provisions of PCT Article 33/(1)-(4).....		\$ 100.00		\$	
<input checked="" type="checkbox"/> Examination Fee - All other situations		\$ 200.00		\$	
23. <input type="checkbox"/> Search Fee – Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as ISA		\$ 100.00		\$	
<input checked="" type="checkbox"/> International Search Report prepared and provided to the Office.....		\$ 400.00		\$	
<input type="checkbox"/> Search Fee – All other situations		\$ 500.00		\$	
TOTAL OF ABOVE CALCULATIONS				\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
-100	/50=		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	17 - 20 =		x \$50.00	\$	
Independent Claims	1 - 3 =		x \$200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 900.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
SUBTOTAL =				\$ 900.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$ 900.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 900.00	
				Amount to be refunded:	\$
				Amount to be charged	\$ 900.00
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>11-0600</u> in the amount of \$900.00 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>11-0600</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO: KENYON & KENYON One Broadway New York, New York 10004 CUSTOMER NO. 26646</p> <div style="text-align: right;">  SIGNATURE Richard L. Mayer (Reg. No. 22,490) NAME 5/4/05 DATE </div>					

FORM PTO-1390 (REV 10-2003) Page 2 of 2

EXPRESS MAIL NO.: EV 320194842 US
NY01 964031 v1

BEST AVAILABLE COPY